IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

WP(C).No. 27107 of 2006(B)

PETITIONER:

RIA CELINE PAUL, D/O.PAUL AMBOOKEN,
AMBOOKKEN HOUSE, KIZHAKKUMPATTU KARA, TRICHUR.

BY ADV. SRI.MATHEW JOHN (K)

RESPONDENTS:

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1. THE PRINCIPAL,
HARI SRI VIDYA NIDHI SHCOOL, HARI SRI VIDYA NAGAR,
SREE RAMAKRISHNA ASHRAMAM LANE, PUNKUNNAM,
THRISSUR-680 002.

2. THE COUNCIL FOR THE INDIAN SCHOOL
CERTIFICATE EXAMINATIONS, PRAGATHI HOUSE,3RD FLOOR
47-48, NEHRU PLACE, NEW DELHI-110 019,REPRESENTED
BY CHIEF EXECUTIVE & SECRETARY.

R1BY ADV. SRI.THIYYANNOOR RAMAKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE CERTIFICATE ISSUED BY REGISTRAR OF BIRTHS AND DEATHS.

P2: TRUE COPY OF THE STATEMENT OF MARKS ISSUED BY R2.

P3: TRUE COPY OF AFFIDAVIT OF PETITIONER DT.19.1.2006.

P4: TRUE COPY OF APPLICATION SUBMITTED BY PETITIOENR BEFORE R2.

P5: TRUE COPY OF PROCEEDINGS DT.21.10.2005 BY R2.

P6: TRUE COPY OF THE RELEVANT PORTION OF THE REGULATION.

P7: TRUE COPY OF THE LETTER DT.21.7.2006 BY R1.

RESPONDENT'S EXHIBITS:

R1A: TRUE COPY OF THE APPLICATION FOR ADMISSION OF THE PETITIONER(ACADEMIC YEAR 1991-92).

R1B: TRUE COPY OF THE RELEVANT PAGE OF THE ADMISSION REGISTER CONTAINING THE DETAILS OF THE PETITIONER (RELEVANT ENTRY-ADMISSION NO.828).

R1C: TRUE COPY OF THE LETTER DT.19.7.2006 ISSUED BY PETITIOENR TO R1.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.27107 of 2006

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Dated this the 28th day of November, 2006.

JUDGMENT

Heard counsel for the petitioner and counsel appearing for first respondent. The only prayer is for direction to second respondent to change the date of birth in the certificate and marklist already issued to the petitioner. It is clear from Ext.P7 that the Principal has recommended petitioner's case because the wrong date of birth was entered in the school records without reference to Birth Certificate. The Birth Certificate now produced namely, Ext.P1 shows petitioner's date of birth as 3.10.1984 as against date of birth shown in the school records as 3.10.1985. The Birth Certificate is issued by a statutory authority and the same should have been the basis for entering the date of birth in the school records. Since the Principal has certified that mistake has crept in on account of non-production of Birth Certificate, correction has to be necessarily carried out in the school records. I do not find any justification for declining the relief merely because application filed is beyond the time limit provided under the Regulations of the CBSE as the same person cannot have different dates of birth in different records. Passport will not be issued without production of Birth Certificate and since petitioner's Birth Certificate shows the date of birth as 3.10.1984, the same has to be entered therein. Since school records should not be in conflict with Passport and other records, petitioner is entitled to the relief. In the circumstances, W.P. is disposed of

directing the first respondent to accept copy of the Birth Certificate and carry out correction in the school records and issue certificate of correction to the petitioner for production before the second respondent. Second respondent is directed to effect correction of date of birth in the certificate and marklist based on the certificate issued by the Principal within two weeks from the date of production of copy of this judgment and certificate by petitioner from first respondent. Ext.P5 is set aside to facilitate correction as above.

C.N.RAMACHANDRAN NAIR
Judge

pms